

## **REMARKS**

Applicant respectfully requests reconsideration. Claims 145-150 were previously pending in this application. Claims 145 and 148 are amended herein. Claim 145 is amended to add the limitation that the method further includes an MHC class II inducing agent and claims 145 and 148 are being amended to limit the scope of the inducing agent. Claim 150 is canceled. Claims 145-149 are still pending for examination with claims 145 and 148 being independent claims. No new matter has been added.

### **Rejection Under 35 U.S.C. 112**

Claims 148 and 150 have been rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Office has indicated that the term "MHC class II HLA-DR inducing agent" is too broad and should be limited to the agents listed in the specification. Although Applicant disagrees, the claims have been amended to include a list of agents that induce MHC class II HLA-DR in order to advance prosecution. It is requested that the rejection be withdrawn.

### **Rejection Under 35 U.S.C. 102**

Claims 145-150 have been rejected under 35 U.S.C. 102(b) as being anticipated by Meyer et al (EP 0332865).

Although Applicant disagrees with the rejection, the claims have been amended such that each claim includes the limitation that the MHC class II HLA-DR ligand is administered with an MHC class II HLA-DR inducing agent and wherein the inducing agent is selected from a group of compounds that does not include doxorubicin. Meyer et al does not describe administering an MHC class II HLA-DR ligand with an MHC class II HLA-DR inducing agent selected from bacterial byproducts, mycobacterial antigens, a UCP expression vector, and a heterobifunctional antibody capable of crosslinking CD4, a fatty acid and  $\alpha$ BTCR. Thus, the amended claims are not anticipated in view of Meyer et al.

Claims 145-150 have been rejected under 35 U.S.C. 102(b) as being anticipated by Hu et al.

Although Applicant disagrees with the rejection, the claims have been amended such that each claim includes the limitation that the MHC class II HLA-DR ligand is administered with an MHC class II HLA-DR inducing agent. Claims 148-159 already included this limitation without amendment. Hu et al does not describe administering an MHC class II HLA-DR ligand with an MHC class II HLA-DR inducing agent. Thus, the claims are not anticipated in view of Hu et al.

Claims 145-150 have been rejected under 35 U.S.C. 102(b) as being anticipated by Denardo et al.

Although Applicant disagrees with the rejection, the claims have been amended such that each claim includes the limitation that the MHC class II HLA-DR ligand is administered with an MHC class II HLA-DR inducing agent. Claims 148-159 already included this limitation without amendment. Denardo et al does not describe administering an MHC class II HLA-DR ligand with an MHC class II HLA-DR inducing agent. Thus, the claims are not anticipated in view of Denardo et al.

**CONCLUSION**

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No. A0906.70008US00.

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Respectfully submitted,

By 

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